

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Maria Mora-Villalpando,

Plaintiff,

v.

U.S. Immigration and Customs Enforcement,
U.S. Customs and Border Protection, et al.,

Defendants.

No. C18-655-JLR

Plaintiff's Response to
Defendants' Motion
for Leave to File Supplemental
Declaration

Plaintiff takes no position on the Defendant's Motion to Supplement the Record. Plaintiff maintains that Defendants have not met their burden of showing that they conducted a search reasonably calculated to uncover responsive records. In the FOIA context "summary judgment may be granted on the basis of agency affidavits if they contain reasonable specificity of detail rather than merely conclusory statements, and if they are not called into question by contradictory evidence in the record or by evidence of agency bad faith." *Aguiar v. DEA*, 865 F.3d 730, 734-35 (D.C. Cir. 2017).

As Plaintiff has explained in prior briefing, the previous two declarations do not meet this standard. If the court requests it, Plaintiff will file supplemental briefing on why the third

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1 declaration also does not render Defendants' search adequate. Similarly, if requested by the
2 Court, Plaintiff can respond to the contentions in Defendants' Surreply.

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4 /s/ Khaled Alrabe.
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5 *pro hac vice*)
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